

Ordinance No: 17-29
Subdivision Regulation Amendment No.: 12-02
Concerning: Platting Exemptions –
Community Legacy Plan Areas
Draft No. & Date: 2 – 1/24/13
Introduced: November 27, 2012
Public Hearing: January 22, 2013
Adopted: February 12, 2013
Effective: March 4, 2013

**COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND
SITTING AS THE DISTRICT COUNCIL FOR THAT PORTION OF
THE MARYLAND-WASHINGTON REGIONAL DISTRICT WITHIN
MONTGOMERY COUNTY, MARYLAND**

By: Councilmembers Elrich, Floreen, Leventhal, Riemer, Ervin, and Berliner

AN AMENDMENT to the Subdivision Regulations for the purpose of:

- exempting small commercial additions in Community Legacy Plan Areas, near new roads, and adjoining state highways from subdivision requirements

By amending the following section of County Code Chapter 50:

Section 50-9 “Exceptions to platting requirements.”

Boldface	<i>Heading or defined term.</i>
<u>Underlining</u>	<i>Added to existing law by introduced Subdivision Regulation Amendment.</i>
[Single boldface brackets]	<i>Deleted from existing law by introduced Subdivision Regulation Amendment.</i>
<u>Double underlining</u>	<i>Added to the Subdivision Regulation Amendment by amendment.</i>
[[Double boldface brackets]]	<i>Deleted from existing law or the Subdivision Regulation Amendment by amendment.</i>
* * *	<i>Existing law unaffected by Subdivision Regulation Amendment.</i>

OPINION

Subdivision Regulation Amendment (SRA) No. 12-02, sponsored by Councilmembers Elrich, Floreen, Leventhal, Riemer, Ervin, and Berliner, was introduced on November 27, 2012.

SRA 12-02 would address the situation where the burdens of proposed right-of-way dedications fall on small unplatted parcels. The sponsors believe that the platting requirements for small projects are in conflict with the identification of an area as a Community Legacy Plan Area.

The Planning Board and Planning Staff recommended approval of SRA 12-02 with modifications for the purpose of clarity and to ensure that building additions are not constructed within master planned rights-of-way. The County Executive also recommended approval. There was no testimony in opposition.

The County Council held a public hearing on January 22, 2013 to receive testimony concerning the proposed Subdivision Regulation Amendment. The SRA was referred to the Planning, Housing, and Economic Development Committee for review and recommendation.

The Planning, Housing, and Economic Development Committee held a worksession on February 4, 2013 to review the SRA. The Committee agreed with the amendments proposed by the Planning Board.

The District Council reviewed Subdivision Regulation Amendment No. 12-02 at a worksession held on February 12, 2013 and agreed with the recommendations of the Planning, Housing, and Economic Development Committee.

For these reasons, and because to approve this amendment will assist in the coordinated, comprehensive, adjusted and systematic development of the Maryland-Washington Regional District located in Montgomery County, Subdivision Regulation Amendment No. 12-02 will be approved as amended.

ORDINANCE

The County Council for Montgomery County, Maryland, sitting as the District Council for that portion of the Maryland-Washington Regional District in Montgomery County, Maryland, approves the following ordinance:

Sec. 1. Section 50-9 is amended as follows:

Sec. 50-9. Exceptions to platting requirements.

Recording of a subdivision plat under this Chapter is not required for:

* * *

(f) *Single residential lot.* An application for a building permit for one (1) single-family detached dwelling unit[[,]] on a parcel[[,]] not previously included on a recorded plat, which has not changed in size or shape since June 1, 1958, provided:

- (1) A description and location plat of the lot and proposed structure have been furnished with the permit application, sufficiently detailed, to locate the same on the base maps of Montgomery County.
- (2) Approval of the permit application would not result in obstructing the future opening, extension, or widening of any road deemed essential in the public interest, nor would it otherwise jeopardize any planned public facility.
- (3) The proposed lot and use comply with the zoning ordinance (except for street frontage) and the site plan shows clearly the setbacks, side and rear yards, and any other information needed to check compliance with regulations, including establishment of a building restriction line along any existing or proposed road sufficient to provide for future expansion or opening of such road to its ultimate width.
- (4) Approval of the permit would not affect adversely the general plan for the physical development of the regional district or any portion thereof.

(g) Telecommunications towers/antennas, including associated accessory structures, unless [[or until]] other development of the land [[which]] requires a subdivision plan.

(h) *Certain Residential Property in the City of Takoma Park.* An application for a building permit for one single-family detached dwelling unit on property located in the portion of the City of Takoma Park annexed into Montgomery County on July 1, 1997 that was recorded by a deed prior to January 1, 1982 and which remains otherwise buildable under the Prince George's County Zoning and Subdivision Regulations on June 30, 1997, provided that a description and locational survey drawing of the lot and proposed structure have been furnished with the permit application, sufficiently detailed to locate the lot and structure on the 1 inch [equal] equals 200 foot scale base map of Montgomery County.

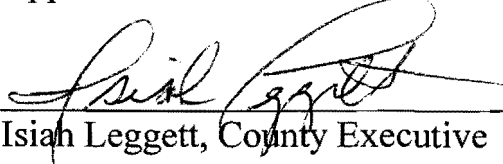
(i) *Certain commercial properties adjoining state highways.* ~~[[For]]~~ An application for a building permit for an addition to a building on commercially zoned property:

- (1) adjoining a state highway;
- (2) located within a state approved Community Legacy Plan ~~[[area]]~~ Area on October 30, 2012;
- (3) with less than 10,000 square feet of gross floor area on October 30, 2012 ~~[[and]]~~ where subsequent building permits ~~[[increase]]~~ cumulatively allow increases in total gross floor area by less than 2,000 square feet; and
- (4) that includes a description and locational survey drawing of the lot and proposed structure on a 1 inch equals 50-foot scale base map of Montgomery County in any building permit application that demonstrates that the additional floor area will not extend into any adopted master plan road right-of-way.

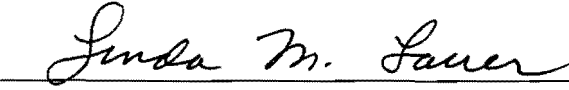
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54 **Sec. 2. Effective date.** This ordinance takes effect 20 days after the date of
55 Council adoption.
56

Approved:

 Feb 25, 2013
Isiah Leggett, County Executive Date

This is a correct copy of Council action.

 2/25/13
Linda M. Lauer, Clerk of the Council Date